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| 10/053,464 | 01/18/2002 | Donation Roger | 00366.000148 | 3690 |
| 5514 7590 01/10/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | EXAMINER HAVAN, THU THAO | |
| | | | ART UNIT 3693 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/053,464

Applicant(s)

ROGER, DONATIEN

Examiner

Thu Thao Havan

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Response to Amendment

Claims 1-23 are pending. This action is in response to the remarks received October 23, 2007.

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Mikurak et al. (US 7,130,807).

Re claims **1, 7-9, 13-18, and 22-23**, Mikurak teaches a method for creating and/or managing enterprises online using at least one application running on a server in a data network environment (figs. 4-5 and 14), comprising:

enabling a client to access the server over the data network; starting the at least one application using a graphical interface (col. 14, lines 63-67; fig. 100);

processing data transmitted by the client and/or data stored on at least one distributed resource using the at least one application (fig. 28); and

generating data relevant to creating and/or managing an enterprise wherein the server provides a first application providing legal forms allowing for creation of documents required to incorporate a business legally, a second application questioning a user at the client with a plurality of questions, receiving from the user a plurality of answers to at least some of the questions, and automatically generating a business plan in accordance with the answers, the second application further comprising a valuation program, a third application being adapted to perform financial analysis processing of financial input data, wherein data files including financial input data are transferred to a predefined tax form via the Internet, the third application further comprising a financial expert system adapted to provide at least one sample report having human-readable sentences and/or business graphics (col. 23, lines 38-51; figs. 16-26), and

a fourth application for defining user rights, the user rights allowing a user to view and/or edit data (col. 35, line 10 to col. 36, line 9).

Re claims **2** and **19**, Mikurak teaches graphical interface includes pull-down menus adapted to display a path the client a user at the client has followed on a site tree (fig. 100).

Re claims **3** and **20**, Mikurak teaches automatically adding a current month and year after a user at the client has entered data including a day and activated a predetermined button on a keyboard (fig. 128).

Re claims **4** and **21**, Mikurak teaches automatically adding a current year after a user at the client has entered data including a day and month and activated a predetermined button on a keyboard (fig. 128).

Re claim **5**, Mikurak teaches questioning a user at the client with a plurality of questions; receiving from the user a plurality of answers to at least some of the questions; and automatically generating a business plan in accordance with the answers (col. 77, line 55 to col. 78, line 67).

Re claim **6**, Mikurak teaches providing financial planning and asset management applications to the client (fig. 18).

Re claim **10**, Mikurak teaches the financial input data includes balance sheets, general ledgers, income statements and/or profit-and-loss statements of enterprises and/or self-employed persons (figs. 19 and 24).

Re claim **11**, Mikurak teaches generating financial output data including financial reports using the financial analysis processing program and transforming into human-readable sentences and/or business graphics calculated ratios from the financial input data using the financial analysis processing program (col., lines; figs. 24-25).

Re claim **12**, Mikurak teaches importing balances capable of being inserted into a balance and/or income statement form (fig. 21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Thu Thao Havan
Art Unit: 3693
12/28/07